

Message

**From:** CN=Tami Fordham/OU=R10/O=USEPA/C=US [CN=Tami Fordham/OU=R10/O=USEPA/C=US]  
**Sent:** 6/30/2010 11:53:08 PM  
**To:** CN=Patricia McGrath/OU=R10/O=USEPA/C=US@EPA  
**CC:** CN=Mark Jen/OU=R10/O=USEPA/C=US@EPA;CN=Marcia Combes/OU=R10/O=USEPA/C=US@EPA;CN=Cindi Godsey/OU=R10/O=USEPA/C=US@EPA; N=Marcia Combes/OU=R10/O=USEPA/C=US@EPA;CN=Cindi Godsey/OU=R10/O=USEPA/C=US@EPA; N=Cindi Godsey/OU=R10/O=USEPA/C=US@EPA  
**Subject:** Re: Tribes request to meet with Corps and EPA regarding NEPA coop agency on Pebble  
**Attachments:** SHARPSCANNER\_20100630\_132138.pdf; (embedded image)

Hey Patty,

FYI - Sleetmute sent a letter requesting Cooperating Agency status on Donlin, I received it today. We will be forwarding their letter to Don Kuhl over at the Corps. Mark asked me to draft a response to Sleetmute. I will send it to you and Mark for review before it goes out. I won't be able to work on it until July 12th because I have been pulled to work on revising the Tribal Consultation Procedures document.

Thanks - Tami

From: Patricia McGrath/R10/USEPA/US  
To: Christine Reichgott/R10/USEPA/US@EPA, Marcia Combes/R10/USEPA/US@EPA, Richard Parkin/R10/USEPA/US@EPA  
Cc: David Allnutt/R10/USEPA/US@EPA, Mary Thiesing/R10/USEPA/US@EPA, Michael Szerlog/R10/USEPA/US@EPA, Phil North/R10/USEPA/US@EPA, Cara Steiner-Riley/R10/USEPA/US@EPA, Cindi Godsey/R10/USEPA/US@EPA, Mike Bussell/R10/USEPA/US@EPA, Westley Foster/R10/USEPA/US@EPA, Fordham.Tami@epa.gov  
Date: 06/30/2010 03:38 PM  
Subject: Tribes request to meet with Corps and EPA regarding NEPA coop agency on Pebble

Teena, Marcia, and Rick -

Enclosure 1, below, is a May 21 letter from attorneys representing the six tribes that requested EPA take a 404(c) action. This letter requests a meeting with EPA and the Corps to discuss:

- 1- potential for EPA and Corp to be joint EIS lead agencies
- 2 - tribes potential request to be cooperating agencies.

This letter was addressed to John Pavitt and Col. Koenig. I received a call from the Corps Pebble contact (Dave Casey) about the letter and setting up a meeting in response.

I drafted a short response letter saying that we would be happy to meet to discuss these NEPA issues (though so far there is no application that would trigger an EIS). This letter is attached below for your comment. Please send me comments by COB July 1.

Dave Casey talked to Jeff Parker (one of the attorneys) and at this point the tribes are only asking for a staff level meeting. Two Corps staff (Dave and Kathy) will be attending and a Corp attorney. Dave asked me who from EPA would be involved in this NEPA meeting. Since John is no longer the Pebble PM, I told Dave to send the meeting request to myself and Cara.

I am comfortable covering the meeting (since I am coordinating Pebble issues until we establish a new PM). Dave is trying to time the meeting for when I am in Anchorage after my tribal training in Dillingham and Newhalen. Since the meeting is in Anchorage, perhaps I could bring Jennifer or Mark as well for NEPA support. Otherwise I feel like I can answer the NEPA issues, which are still fluid since there is no project application. Let me know what you think.

- Patty

[attachment "response to parker june 2010.doc" deleted by Tami Fordham/R10/USEPA/US]

From: Cara Steiner-Riley/R10/USEPA/US  
To: Michael Szerlog/R10/USEPA/US@EPA, Phil North/R10/USEPA/US@EPA, Patricia McGrath/R10/USEPA/US@EPA, Mary Thiesing/R10/USEPA/US@EPA  
Cc: David Allnutt/R10/USEPA/US@EPA  
Date: 05/25/2010 10:34 AM  
Subject: Fw: Tribes request 404(c) process

In case you have not seen these....

Cara Steiner-Riley  
Assistant Regional Counsel  
U.S. Environmental Protection Agency  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101  
(206) 553-1142  
steiner-riley.cara@epa.gov

----- Forwarded by Cara Steiner-Riley/R10/USEPA/US on 05/25/2010 10:28 AM -----

From: "jeff parker" **Ex. 6 PII - Jeff Parker**  
To: Cara Steiner-Riley/R10/USEPA/US@EPA  
Date: 05/24/2010 06:59 PM  
Subject: Tribes request 404(c) process

Dear Ms. Cara Steiner-Riley,

I received your phone message, returning mine. Thank you.

On Friday, May 21, I mailed to Mr. McLerran and Ms. Jackson of EPA the attached letter is from six federally-recognized tribes in the Kvichak and Nushagak river drainages of SW Alaska. Therein, the Tribes request that EPA commence a public process under Section 404(c) of the Clean Water Act, to identify waters and wetlands in which discharge of dredge and fill material (including mining wastes) associated with metallic sulfide mining in those drainages, including from a potential Pebble mine, would be prohibited or restricted.

Due to overlapping issues, the letter on 404(c) also encloses copies of two other letters to which the letter on 404(c) refers for certain purposes. One is on my letterhead, from me and my co-counsel, and concerns our tribal clients' potential status as cooperating agencies on any EIS on Pebble mine. The other, from the six tribes and a commercial fishing cooperative (AIFMA Cooperative d/b/a the Alaska Independent Fishermen's Marketing Association) to a state Representative Bryce Edgmon who represents much of the area, urges him to facilitate discussion of whether most of the state land in the Kvichak and Nushagak drainages, including at the Pebble mining claims, should be legislatively designated as a state fish and game refuge or state critical habitat area. The letter to Rep. Edgmon attaches a briefing paper to which the 404(c) letter refers for certain purposes.

However, I did not mail last Friday the letter on cooperating agency status, when I enclosed it with the 404(c) letter. I will do so shortly, but I would like to speak to you first. So, let's try to talk in the morning.

Thanks.

Jeff Parker  
907-222-6859

[attachment "Six Tribes' Joint Letter to EPA requesting 404(c) process.pdf" deleted by Tami Fordham/R10/USEPA/US] [attachment "Enclosure\_1\_Counsel Request meet w Corps, EPA re tribes as cooperating agencies.pdf" deleted by Tami Fordham/R10/USEPA/US]

[attachment "Enclosure\_2\_Tribes & AIFMA's Joint Letter to Rep. Edgmon w Briefing Paper.pdf" deleted by Tami Fordham/R10/USEPA/US]



SHARPSCANNE... (embedded image)